

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.56841 of 2021**

Arising Out of PS. Case No.-135 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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Vinod Ray @ Vinod Prasad Yadav, Son of Jiyan Ray, Resident of Village -
Chaki, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Gaighat P.S. Case No.135 of 2021 registered

for the offences punishable under Sections 30(a), 36 and 41(i) of

the Bihar Prohibition and Excise Act, 2016. He is in custody

since 12.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per

the prosecution story, on secret information the police

intercepted one truck and on search 558.770 liters of illicit



liquor was recovered from the said truck. The driver of the said truck was apprehended and on interrogation he disclosed the name of the petitioner as his associate.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not arrested on the spot and his name has transpired in the statement of the apprehended accused who is in custody. It is submitted that the petitioner is in custody in connection with this case since 12.04.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner was not arrested on the spot, his name transpired in the statement of the apprehended accused who is in custody, the petitioner has no criminal history and there is no other material to connect him with this case, moreover the petitioner has remained in custody for more than one year and at this stage the trial is not likely to be concluded in near future, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties



of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Gaighat P.S. Case No.135 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

